14.11. 2007 Present: Mr. Ramakant Sharma, counsel for the appellants.
Ms. Vandana Kuthiala, counsel for respondents No.1 to 8.
Mr. M.S.Chandel, Advocate General with Mr. M.L. Chauhan, Addl. A.G. for respondent No. 9.

CMP No. 1123 of 2007.

Allowed as not opposed. The appellant No.1 Nathpa Jhakri Power Corporation, Shimla is substituted by Satluj Jal Vidyut Nigam Ltd. The amended memo of parties has already been filed which is taken on record.

RFA No. 38 of 2001 with CMP No. 1124 of 2007.

An application under Order 23, Rules 1, 3 read with Section 151 C.P.C. has been filed jointly by the parties. The parties have filed "agreement of out of Court settlement" 26.4.2007 alongwith the application. The application is supported by affidavits of Tikkam Dassi widow of Keshav Ram claimant as well as S.K. Biswas, Additional General Manager, Satluj Jal Vidyut Nigam Ltd. The application is also signed by learned counsel for the parties, who have submitted that the parties have settled their dispute in terms of "agreement of out of Court settlement" Annexure A-2 and they have prayed to dispose of the appeal in terms of Annexure A-2 as well as application under Order 23 Rules 1, 3 read with Section 151 CPC being CMP No. 1124 of 2007 including para-5 of the application, which is reproduced hereinbelow:-

> "That it is further submitted that the Settlement Ann. A-2 has been made on the basis of the undertaking given by the interest holders in the shape of affidavits that they and their successors/ assignees/ representatives shall not lodge any claim of enhancement of compensation in any Forum in future in respect of the land acquired for the NJHEP and that the Settlement Annexure A-2 is full and final as well as binding on all the parties, except for the claim of building and

trees. The claimants submit that they have filed Cross Appeal which has been registered as RFA No. 148 of 2001 and they do not want to press it so far it pertain to the enhancement of market value of land."

I have gone through the application under Order 23 Rules 1, 3 read with Section 151 C.P.C. which is supported by affidavits of Tikkam Dassi widow of Keshav Ram claimant as well as S.K. Biswas, The appeal is dismissed as withdrawn in terms of "agreement of out of Court settlement" Annexure A-2 and CMP No. 1124 of 2007 under O. 23 Rules 1, 3 read with Section 151 C.P.C. including para-5 of the application.

CMP No. 1125 of 2007.

For the reasons stated, the application is allowed. There shall be an order in terms of the prayer part of the application with liberty to the parties to approach the Court regarding calculations made in the application. However, it goes without saying that the respondents assesses would be at liberty to defend themselves before the Income tax authorities under the Income-tax Act, 1961. Such defence of course shall be on its merits and in accordance with law.

CMP No. 1126 of 2007.

The parties have compromised the appeal which has been dismissed as withdrawn in terms of "agreement of out of Court settlement" Annexure A-2 alongwith in terms of CMP No. 1124 of 2007. The Court fee be refunded to appellant No.1 in accordance with law. The application stands disposed of.

RFA No. 148 of 2001 be listed for hearing in due course.

November 14, 2007.(Hem) ***(Kuldip Singh), J***